



PLANNING COMMISSION

MINUTES

May 13, 2009

7:30 P.M.

**CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS**

COMMISSION MEMBERS

**Edward Whelan, III, Chair
Roy McAfee, Vice-Chair
Dr. Roy Gratz, Secretary
Vic Ramoneda
Ricardo Rigual
Susan Spears
Berkley Mitchell**

CITY STAFF

**Ray Ocel, Director of Planning
Debra M. Ward, Zoning Officer**

1. CALL TO ORDER

The May 13, 2009 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Ed Whelan who explained the standard meeting procedures. Mr. Whelan welcomed the Commission's newest member, Mr. Berkley Mitchell. Mr. Whelan informed Commissioners that items 4 and 5 would be heard together and that items 6 & 7 would also be heard together.

2. PLEDGE OF ALLEGIANCE

PUBLIC HEARING ITEMS

- 3. Consideration of the Capital Improvements Plan (CIP) for FY 2010-FY 2014.** The CIP is a planning document that provides a schedule of all capital projects to be carried out within this five year time frame. Prioritization of projects together with cost estimates are provided. The CIP will be reviewed by the Planning Commission with a recommendation being made to the City Council on the proposed projects as well as the proposed time frame to implement the projects.

Mr. Whitely, Budget Manager, provided a detailed overview of the proposed Capital Improvements Plan for FY2010-FY2014.

Mr. James Lawrence, 802 Caroline Street, thanked Mr. Whitley for all the work he has done and continues to do for the City relative to the CIP.

There were no further comments.

4. **Zoning Ordinance Text Amendment-** Amendment to the City Code Chapter 78, Zoning, Planning and Development, Article III, Zoning, by incorporating low impact design requirements for site development or re-development. The following Sections of the Zoning Ordinance are proposed to be amended to incorporate these amendments: 78-1; Sec. 78-1060; Sec. 78-1063; Sec. 78-1067. The amendment is being proposed to assist in implementing the goals and policies of the 2007 Comprehensive Plan.
5. **Subdivision Ordinance Text Amendment-** By incorporating low impact development requirements for subdivisions by amending Chapter 78, "Zoning, Planning, and Development", Article IV, "Subdivisions," Division 3, "Subdivisions Design Standards" and to terminate the pro rata program for stormwater rate control, by amending Division 2, General Regulations. The amendment is being proposed to assist in implementing the goals and policies of the 2007 Comprehensive Plan.

Mr. Kevin Utt, Site Development Manager, presented an overview of the proposed amendments.

Mr. John Tippet, Director of FOR provided background of how they came to assist the City in developing an LID ordinance and explained aspects of the amendments. He noted that the City's "code" will be a model for Virginia.

Mr. McAfee thanked Mr. Tippet and staff for achieving what they had set out to do.

Ms. Spears echoed Mr. McAfee's comments and offered praise to staff and FOR for including the stakeholders in the development of the ordinances.

Harvey Gold, Government Affairs Director for FABA noted that FABA has supported LID for decades and provided examples of companies that have already begun to participate in LID procedures. He thanked staff and FOR for allowing FABA to participate in the development of the proposed amendments.

Mr. James Lawrence thanked Mr. Utt for his work on the proposed ordinances and said he comes away with a little bit more knowledge with each meeting he attends.

Mr. Palmer, 1500 Caroline Street said the proposed document looks like a good and sound ordinance. He asked, however, where the "City of Fredericksburg Low Impact Design Guidance Policy" dated May 2009, is located and how he could obtain a copy of this document.

Mr. Utt said he would gladly provide Mr. Palmer with a copy of the Guidance Policy document.

There were no further comments on this item.

6. **STPN2009-02: The Women's Services Facility at Mary Washington Hospital** - This project provides for the construction of "The Women's Services Facility" on Lot 8-A of Cowan Professional Park. Phase I of the project will consist of the construction of a 37,175 sq. ft. of gross building area and a new parking lot. Phase II, will consist of the construction of a 34,200 sq. ft. of additional building area. Additional parking will be provided for Phase II of the project by the demolition of the temporary parking lot L and the construction of permanent parking lot L.

Mr. Utt provided an overview of the site plan application.

Mr. Whelan asked if there would be a sidewalk provided.

Mr. Utt responded, yes.

Dr. Gratz asked if the LID principles would be applied to this project.

Mr. Utt said the project was proposed prior to the LID ordinance(s) being developed, but that the project meets all current requirements to be approved.

Mr. Darrell Caldwell, 1985 Jefferson Davis Highway (Engineers for the project), said that the subdivision for this project was approved on May 12, by the City Council. He also provided elevation renderings of the proposed project.

Dr. Gratz asked Mr. Caldwell whether the project would conform to LID requirements.

Mr. Caldwell said he was not as familiar with the project as the Architects and that he did not know if it had been considered since it was not a requirement at the time of submission. However, he said they will have substantial SWM practices.

Mr. Hamilton Palmer, 1500 Caroline Street, noted that not *all* projects are conducive for LID.

7. **SUP2009-06: Gregory and Hyow Harding** - Special Use Permit request in order to construct an addition to the restaurant located at 1606 Caroline Street. The owner proposes to construct an addition to the Olde Towne Steak and Seafood Restaurant on an adjacent vacant property addressed as 1611 Princess Anne Street in order to provide additional seating and a bar area. The property is zoned CT, Commercial Transitional and is designated as Transitional/Office on the Future Land Use Map found within the 2007 Comprehensive Plan.
8. **SUP2009-07: Elmer Chilton** - Special Use Permit request in order to enter into a cooperative parking arrangement with the Olde Towne Steak and Seafood Restaurant located at 1606 Caroline Street. The subject property is addressed as 1623 Princess Anne Street which is improved with a commercial building and associated parking. The owner requests permission to allow use of a portion of the parking lot by the neighboring Olde Towne Steak and Seafood Restaurant. The property is zoned CT, Commercial Transitional and is designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel provided an overview of the applications.

Commissioners had no questions for staff.

Mr. Jonathan Ishii, 1516 Caroline Street, spoke on behalf of the Rising Sun Neighborhood Association. He noted that members of the Association met with the Hardings regarding concerns and potential impact of the proposed applications. He thanked the Hardings for being good neighbors in the past although he mentioned that parking has been an issue at times in the past and present. He said the neighborhood continues to be concerned about the parking problems given the owners want to build an addition to the restaurant.

Mr. Ishii provided a document which requests additional conditions to be added to the special use permits when approved. He noted that he signed the agreement as President of the Rising Sun Neighborhood and that Mr. Harding signed the document agreeing to these suggested conditions. The conditions are as follows:

- *The main building entrance into the restaurant will be on Princess Anne Street*
- *The building elevations will be submitted and made part of the SUP application*
- *The dumpster will be enclosed and screened*
- *The hours of operation are 4:00 p.m. – 10:00 p.m.*
- *The restaurant will maintain 10 offsite parking spaces or loose 40 restaurant seats*

- *The driveway entrance onto Caroline Street will be landscaped*
- *That the above agreements will be made a condition of the special use permit applications.*

Ms. Wendy Brock, 1803 Caroline Street said she is extremely concerned with the ingress/egress on Caroline Street. She asked if the Hardings are not successful in honoring the agreements/conditions, can she ask that traffic concerns be readdressed or can she ask that this language be added to the conditions of the permit.

Mr. Whelan asked Mr. Ocel to address how the parking issue will be enforced.

Mr. Ocel said that the restaurant would have to operate under the conditions imposed on the permits and that if they failed to do so, the issue would be revisited.

Mr. Hamilton Palmer, 1500 Caroline Street, reiterated that the applicant met with the Rising Sun Homeowners Association and has agreed to the conditions outlined by the Association. He said that this is a good example of working together and noted that this is also how good business is accomplished.

Mr. James Lawrence, 802 Caroline Street, said he would like to see the owner install a bench for patrons to enjoy.

Ms. Marjorie Morse, 1611 Caroline Street, said she is concerned with regard to parking. She noted that she has an on-street handicapped parking space that she utilizes but that there are many times she is unable to do so because patrons from the restaurant park there, which results in her parking several blocks from her home.

There was no further comment on this item.

- 9. SUP2009-09: Serenity Home, Inc.** Special Use Permit request in order to relocate and operate Serenity Home at 318 Bridgewater Street. The applicant requests to operate this institutional housing use at this location which provides residential treatment for medically stable chemically dependent adult males. The property is zoned CT, Commercial Transitional and is designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Mitchell recused himself as his brother is the owner of the subject property.

Mr. Ocel provided an overview of the application. He referred to Condition #1 on the staff report and noted that the owners of the business have requested to be allowed 12 months to commence business to allow for the building to be renovated under the current economic conditions.

Mr. Ocel said he had received several letters of support for the project (15), plus a petition signed by 12 persons also in support of the project.

Dr. Gratz noted that he only identifies three exits noted on the diagram for the project. He asked if this meets safety codes.

Mr. Ocel said he would check with Building and Development Services and provide Dr. Gratz an answer at the next meeting.;

Jennifer Graham, 2514 Caroline Street, who also owns 206, 208 and 210 Bridgewater Street asked if there would be areas outside where residents of this facility will be able to hang out. She asked where the parking would be located. She said she does not believe this type of facility is conducive for enhancing the City appearance and/or character.

Mr. James Lawrence, 802 Caroline Street, said that although he can understand Ms. Graham's fears with not knowing about these types of facilities, he is happy to see this coming to the city. He asked that the facility provide plenty of benches for its patrons to enjoy.;

Mr. Joseph Hicks, 408 Bridgewater Street said he is in favor of the proposed application and has come to know these folks to be good neighbors.

Mr. Mike Stern, 621 Maury Street said he is in favor of the facility's proposed location and noted that he was a former member of the facility.

Mr. Pete Whitlock, 1909 Fall Hill Avenue said he is in favor of the proposed project. He added that Serenity Home maintains a low profile and serves a need, an important mission.

Mr. James McGhee, 526 Caroline Street, said he is a neighbor of their current facility and has been for many, many years. He said he has never had a problem with any aspect of Serenity Home and reiterated that they have been excellent neighbors.

Mr. James Myers, 1707 Princess Anne Street, and former member of Serenity Home, said he too is in favor of the application.

Mr. Donavan Garcia, 621 Maury Street, said he is a former member of Serenity Home and that they provide a good service to the community.

Mr. Lawrence Wild, 10611 Benchmark Road, also a former member of the facility, noted that he is in favor of the application and that they were able to ensure that he is a productive member of society.

Ms. Katharine McGhee, 526 Caroline Street, said that having Serenity Home located near her home for the past 20 years has never caused a problem for her or her neighbors.

There was no further comment on this application.

10. SUP2009-10: Charles and Jacqueline Leopold - Special Use Permit request to convert and utilize the building located at 526 Caroline Street to a 3 room hotel use. The property is zoned CD, Commercial Downtown which permits hotels with a special use permit. The property is designated as Downtown on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Ms. Debra Ward, Zoning Officer, provided an overview of the application. She noted that the second recommendation on the staff report has been revised to 12 – 18 months due to a request from Mr. Herlong to allow interior renovations to be made to the building.

Mr. Kenny Johnson, Herlong Associates, said he would be happy to answer any questions of the Commission.

Mr. James McGhee, 526 Caroline Street, commended the work done on the exterior of the project and asked how parking would be handled.

Mr. Ocel said parking would be handled similar to projects such as this in the past and said he would get with Mr. McGhee to review.

Mr. James Lawrence, 802 Caroline Street, said the Leopold's have been great stewards of the City and would like to see a bench provided for patrons to enjoy.

There was no further comment on this item.

UNFINISHED BUSINESS/ACTION ITEMS

- 11. STPN2009-02: The Women's Services Facility at Mary Washington Hospital** - This project provides for the construction of "The Women's Services Facility" on Lot 8-A of Cowan Professional Park. Phase I of the project will consist of the construction of a 37,175 sq. ft. of gross building area and a new parking lot. Phase II, will consist of the construction of a 34,200 sq. ft. of additional building area. Additional parking will be provided for Phase II of the project by the demolition of the temporary parking lot L and the construction of permanent parking lot L.

Mr. Utt had nothing further to add.

Ms. Spears made a motion to approve the Site Plan for the Women's Services Facility at Mary Washington Hospital.

Mr. Ramoneda seconded the motion.

Motion carried unanimously by a vote of 7 - 0

OTHER BUSINESS

- 12.** The April 29, 2009, Planning Commission Minutes were approved as submitted.

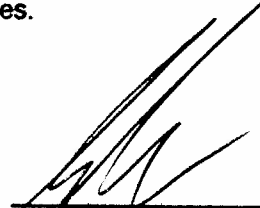
13. Planning Commissioner Comment

- Mr. McAfee briefed Commissioners on his recent trip to San Antonio. He said he would like to discuss the trip in more depth at a later date and talk about what he came away with that could be used to enhance the City's neighborhoods/corridors and to get ideas from fellow Commissioners.

14. Planning Director Comment

- Mr. Ocel updated Commissioners of the latest developments of the Courthouse project.
- Mr. Ocel provided an update of recent Council actions.
- Mr. Ocel informed Commissioners that Blossman Propane withdrew their request for a SUP.
- Mr. Ocel said that St. Mary's has postponed their application for at least another month, possibly more.
- Mr. Ocel provided a copy of the recently approved Mixed Use Ordinance and a copy of upcoming PC training opportunities.

Meeting adjourned.



Edward F. Whelan, III, Chair